

SENATE BILL 628
By Black

AN ACT to amend Tennessee Code Annotated, Title 36,
relative to child custody and visitation.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 36-6-101(a)(2)(A), is amended by deleting that subdivision in its entirety and by substituting instead the following:

(A) Except as provided in the following sentence, neither a preference nor a presumption for or against joint legal custody, joint physical custody or sole custody is established, but the court shall have the widest discretion to order a custody arrangement that is in the best interest of the child. Unless the court finds by clear and convincing evidence to the contrary, there is a presumption that joint custody is in the best interest of a minor child where the parents have agreed to joint custody or so agree in open court at a hearing for the purpose of determining the custody of the minor child. For the purpose of assisting the court in making a determination whether an award of joint custody is appropriate, the court may direct that an investigation be conducted. The court shall not be required to designate one parent as the primary custodial parent or primary residential parent, nor to make any similar designation, where the court has awarded joint custody to the parents or where parenting time is divided between the parents on an equal or substantially equal basis. The burden of proof necessary to modify an order of joint custody at a subsequent proceeding shall be by a preponderance of the evidence.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.